IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE G.CHANDRAIAH

WRIT APPEAL NO : 1200 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 21/04/2005 in WP NO : 26983 OF 1996 on the file of the High Court.)

Between:

1 Bonam Rama Mohan Rao, S/o. Rama Swamy,
R/o. Maloki Mohammadpuram,

H/o. Pulla Bhimadole Mandal, W.G.District.
2 Pujari Satyanarayana, S/o. Krishna Murthy,
R/o. Maloki Mohammadpuram,

H/o. Pulla Bhimadole Mandal, W.G.District.
3 Nalla Prakash Rao, S/o. Seshaiah,
R/o. Maloki Mohammadpuram,

H/o. Pulla Bhimadole Mandal, W.G.District.
4 Kalla Dharama Rao, S/o. Lakshmanaswamy @ Chantiyya,
R/o. Maloki Mohammadpuram,

H/o. Pulla Bhimadole Mandal, W.G.District.
5 Ganisetti Pandurangarao, S/o. Malleswara Rao,
R/o. Maloki Mohammadpuram,

H/o. Pulla Bhimadole Mandal, W.G.District.
6 Peddireddi Satyanarayana, S/o. Bhushayya,
R/o. Maloki Mohammadpuram,

H/o. Pulla Bhimadole Mandal, W.G.District.
7 Paidi Gangadhara Rao, S/o. Rama Rao,
R/o. Maloki Mohammadpuram,

H/o. Pulla Bhimadole Mandal, W.G.District.

8 Epuri Venkatalaxmi, W/o. Gangaiah,
R/o. Maloki Mohammadpuram,

H/o. Pulla Bhimadole Mandal, W.G.District.
9 V.V.V.Satyanarayana, S/o. Venkatratnam,
Ashok Nagar, Hyderabad.

..... APPELLANTS

AND

1 The District Collector (Social Welfare),

West Godavari, Eluru.

2 The Land Acquisition Officer

& Revenue Divisional Officer, Eluru.
3 The Mandal Revenue Officer,

Bhimmadole, W.G.District.
4 Gautu Jagan Mohana Venkata Narasiah @ Srinivas,

S/o. Mohana Seeta Ramaiah,
R/o. Malki Mohammadpuram,

H/o. Pulla Bhimadole Mandal, W.G.District.
5 The Grampanchayat of Pulla,

Bhimadole Mandal, W.G.District,
rep. by its Executive Officer.

.....RESPONDENTS

Counsel for the Appellant: MR.T.DURGA PRASAD RAO

Counsel for Respondent Nos.1 to 3: GP FOR REVENUE

Counsel for Respondent No.4: Mr.T.S.Anand.

Counsel for Respondent No.5: -----

The Court at the admission stage made the following :

JUDGMENT: (Per Hon'ble Sri Bilal Nazki, The Acting Chief Justice)

This is a writ appeal against the order passed by the learned single Judge in W.P.No.26983 of 1996, dated 21-04-2005. It appears that the petitioners, who are residents of Malki Mohammadpuram, H/o. Pulla, Bhimadole Mandal, West Godavari District, filed the above Writ Petition in public interest, assailing the acquisition of

land belonging to Devasthanam. It was acquired by the State for the purpose of allotting said land to those, who did not have house sites. On various grounds, the acquisition itself was challenged. In addition, it was also stated before the learned Single Judge that there was no urgency, and therefore, dispensation of enquiry under Section 5-A of the Land Acquisition Act, 1894 (for short 'the Act') was bad.

The learned single Judge considered all the arguments made before him, and dismissed the writ petition.

While going through the order of the learned single Judge, we find that the land has been acquired in the year 1996, possession was taken by the State on 25-5-1996, and pattas were issued to those, to whom this land was allotted. Ten years have passed. They must have constructed their houses over the said piece of land. Those beneficiaries are not before this Court. After lapse of a decade, it would not be possible for this Court to decide a matter, which would adversely affect those, who have been allotted this land on 28-05-1996, particularly in their absence.

Besides agreeing with the reasons given by the learned single Judge for not granting the reliefs in the writ petition, for the reasons given by us herein above, we dismiss the writ appeal. No costs.

(Bilal Nazki, A.C.J)

(G.Chandraiah, J)

27th June, 2005

LUR

Copy to:

1 The District Collector (Social Welfare),

West Godavari, Eluru.
2 The Land Acquisition Officer

& Revenue Divisional Officer, Eluru.
3 The Mandal Revenue Officer,

Bhimmadole, W.G.District.
4 The Executive Officer,

Grampanchayat of Pulla,

Bhimadole Mandal, W.G.District,

5 Two CCs to the G.P. for Revenue,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T)

6 Two CD copies.